REMARKS

1.   Applicant thanks the Office for pointing out the allowable subject matter of claims 5, 16 and 27.

2.   **35 U.S.C. § 102**

"A claim is anticipated only if <u>each and every element</u> as set forth in the claims is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1989)." "The <u>identical invention</u> must be shown <u>in as complete detail</u> as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The <u>elements must be arranged as required by the claim</u>, but this is not an *ipsissimus verbis* test, *i.e.* identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)." MPEP § 2131 (Emphasis added).

Claims 4, 6-11, 17-22, 26 and 28-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 5,940,379 ("Startup"). Applicant respectfully disagrees.

While Applicant intends no disrespect, the brevity of the present response and the failure to identify any teachings at all from the reference that the claims are purported to read on and the near complete lack of analysis is startling. The Office is again reminded of the standard for establishing a *prima facie* case of anticipation: "<u>identical invention . . . shown in as complete detail as is . . . in the . . . claim[,]</u>" and "<u>elements must be arranged as required by the claim.</u>" <u>A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.</u>

Claim 34: The Office relies on Startup, col. 2, lines 60-67 as teaching all of the subject matter of claim 34. More particularly, the Office relies on the cited teaching as describing "providing a plurality of reserved routing codes for exchanging messages between users and mobile devices." Applicant

respectfully disagrees. The cited teaching mentions implementation of a system of coded routing at lines 65-66. However, no details of this system of coded routing are given in the cited portion of the reference. There is no mention whatsoever of reserving routing codes for exchanging messages between users and mobile devices. The remainder of the reference is completely silent as to reserving routing codes for exchanging messages between users and mobile devices.

The Office next relies on the above cited portion of the reference as teaching

"in response to receiving a message from the user directed to the mobile device, temporarily associating one of the routing codes with the user." As above, the cursory mention of a coded routing system, without more does not teaching the temporary association of one of the reserved codes with a user, in response to receiving a message from the user directed to the mobile device. The reference does mention at col. 3, line 33 that communication links between a satellite and a communication unit are temporary and handoffs are frequent, but there in no mention anywhere in the reference of temporarily associating a reserved routing code to a user.

The Office next relies on the cited portion of the reference as teaching: 'including the temporarily associated routing code in the message as a reply address." As above, without more, there is no teaching in the cited portion of the reference of the foregoing subject matter. While the reference describes that all of the nodes within Startup's system are assigned routing codes, there in no use of routing codes as described within claim 34.

The Examiner next relies on the cited portion of Startup as teaching "transmitting the message with the included temporarily associated routing codes to the mobile device." As above, Applicant finds no teaching in the reference of the temporary assignment of one of a plurality of reserved routing codes, using the temporarily assigned routing codes as a reply address for the user, and transmission of a message that includes the temporarily reserved routing code.

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There is, therefore, no teaching in Startup of the subject matter of claim 34. Claim 34 is therefore deemed allowable over Harsch. In view of their dependence from an allowable parent, claims depending from claim 34 are also deemed allowable without any separate consideration of their merits. Nevertheless, Applicant provides the following comments regarding the independent claims:

Claim 35: The Examiner relies on the same previously cited portion of Startup that contains a single brief mention of a code routing system, without any further structural or implementation details, as teaching "receiving a reply message from the mobile device directed to the temporarily associated routing code; and

transmitting the reply message to the user." Applicant respectfully disagrees. While two-way message transfer is described at col. 8, lines 63-64, there is no teaching in Startup of using routing codes in the manner taught by the invention.

Claim 4: The Examiner relies on previously cited portion of Startup as teaching "wherein said messages comprise instant messages." Applicant respectfully disagrees. As in the Abstract, Startup describes a satellite communications system. There is no teaching of instant messaging.

Claim 6: The Examiner relies on the previously cited portion of Startup as teaching:

"sending a message to said mobile device by said user;

receiving said message at said instant messaging system;

capturing said user's personal identifier by an instant messaging system;

assigning a routing code to said user's personal identifier; and

sending said message to said mobile device." Applicant respectfully disagrees. As previously discussed, there is no teaching in Startup of instant messaging. While Startup does describe two-way messaging, there is no teaching anywhere in the reference of "capturing said user's personal identifier by

an instant messaging system; assigning a routing code to said user's personal identifier." Nor can Applicant identify any subject matter in Startup that even suggests the same.

Claim 7:   The Examiner relies on the previously cited portion of Startup as teaching:

"receiving a message at said mobile device from said user, wherein said user's personal identifier has previously been associated with a routing code; and

replying to said received message by means of a `reply` function on said mobile unit."

As above, there is no teaching in Startup that a user's personal identified is associated with a routing code. Further, there is no teaching in Startup that a reply is sent to a user from a mobile unit by means of a 'reply' function on the mobile unit.

Claim 8:   The Examiner relies on the previously cited portion of Startup as teaching:

"wherein assignment of a routing code to said user persists for the duration of a user session." As above, there is no teaching in Startup that a routing code is associated with a user.

Claim 9:   The Examiner relies on the previously cited portion of Startup as teaching:

"wherein routing codes for assignment are recycled during a user session if the number of users exceeds the routing codes available." As above, while Startup teaches that each node of a satellite communication system is assigned a routing code, there is no teaching in Startup that a routing code is associated to a user, and there is absolutely no mention anywhere in the reference that the temporary address is recycled for any reason. Nor is there any teaching that the assignment of routing codes persists for the duration of a user session.

Claim 10: The Examiner relies on the previously cited portion of Startup as teaching:

"preventing occurrence of a condition wherein different users are associated with the same routing code. " As above, there is no teaching in Startup that a routing code is associated with a user; and there is certainly no description of any measures taken to prevent assignment of the same temporary address to different users at the same time. In fact, Startup completely fails to contemplate such a problem.

Claim 11: The Examiner relies on the previously cited portion of Startup as teaching:

"delaying delivery of a message from said user pending confirmation of a mobile user's interest in receiving said message; and

providing sufficient routing codes that recycling of codes is unlikely to be necessary."

As above, there is no teaching in Startup that a routing code is associated with a user; and there is no description of any measures taken to prevent assignment of the same temporary address to different users at the same time; and there is specifically no description of two particular measures described in claim 11.

Claim 36: The above remarks regarding claim 34 and its dependents apply equally to claim 36 and its dependents.

Claim 38: The above remarks regarding claim 34 and its dependents apply equally to claim 36 and its dependents.

3. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official

notice, and any other assertions of what is well known or commonly known in the prior art.

CONCLUSION

In view of the foregoing, the Application is deemed in allowable condition. Accordingly, Applicant respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner have any questions regarding the Application, he is invited to contact Applicant's attorney at 650-474-8400.

Respectfully submitted,

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